IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15429 of 2004

Between:

Khais Abdullah, S/o Abdullah Atoofa,
R/o 19-2-21/23/55/A/13 8/78B, Jahanuma, Hyderabad

..... PETITIONER

AND

1 The Asst.Secretary, Regional Transport Authority (South Zone), Hyderabad
2 The Motor Vehicle Inspector, F.I.T.S. Tirumalgiri, R.T.A. Hyderabad

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction particularly one in the nature of a Writ of Mandamus, declaring the seizure of the petitioner's vehicle bearing No.AP/9U - 5685 seized under vehicle check report No.2603963, dated 17-08-2004 by the 2nd respondent as illegal, arbitrary, unjust and consequently direct the respondents to release the vehicle of the petitioner forthwith.

Counsel for the Petitioner:MR.B.SIVA RAMA KRISHNAIAH,Advocate.

Counsel for the Respondents : GP FOR TRANSPORT

The Court at the stage of admission, made the following :

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ORDER : (per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent the matter is disposed of at this stage.

Vehicle belonging to the petitioner was stopped and checked on 17.8.2004 and according to the check report, it was found that the petitioner had not shown any proof of having been paid the tax due. Tax had been paid only upto 30th June, 2003. He had not also produced R.C., I.C., D.L., F.C. and Permit. Whether he had the relevant documents or not, needs to be enquired into and has to be decided by the concerned authorities. However, in the interest of justice, the vehicle be released on payment of the tax due if not already paid. The petitioner shall further undertake that he will not alienate the vehicle nor create any third party interest.

Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

30th August, 2004.

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(S.ANANDA REDDY, J)

N.B:-

Wire at party's cost.

(B/o)

ajr

To

1 The Asst.Secretary, Regional Transport Authority (South Zone), Hyderabad
2 The Motor Vehicle Inspector, F.I.T.S. Tirumalgiri, R.T.A. Hyderabad

3 Two C.Cs. to the Government Pleader for Transport, High

Court Buildings, Hyderabad (O.U.T)

4 Two C.D. copies.